

United States District Court

for

Southern District of Ohio**Petition for Warrant or Summons for Offender Under Supervision**Name of Offender: **Donald A Sherman**Case Number: **1:02CR00079**Name of Sentencing Judicial Officer: **The Honorable Susan J. Diott, United States District Judge**Date of Original Sentence: **March 12, 2003**Original Offense: **Conspiracy to Distribute Oxycontin**Original Sentence: **36 month(s) probation**Type of Supervision: **Probation**Date Supervision Commenced: **March 13, 2003**Assistant U.S. Attorney: **Anthony Springer and Timothy Oakley**Defense Attorney: **Paul E. Balash****PETITIONING THE COURT**

- To issue a warrant
- To issue an Order to Appear and Show Cause
- To grant an exception to revocation without a hearing.

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
#1 No Drug Use	Mr. Sherman has tested positive for the use of marijuana on November 24 and December 21, 2004, February 4, May 10, June 30 and August 24, 2005. In addition, on August 3, November 9, 23 and 30, 2005, he tested positive for marijuana and oxycodone.

U.S. Probation Officer Recommendation:

The term of supervision should be

- Revoked.
- Extended for years, for a total term of years.
- Continued based upon the exception to revocation under 18 USC 3563(e) or 3583(d)
- The conditions of supervision should be modified as follows:

This officer has contacted the Court on numerous occasions to discuss Mr. Sherman's continued use of marijuana. This officer and the Court have tried to assist Mr. Sherman by allowing him to remain in outpatient treatment, but he continues to use. On August 5, 2004, this officer notified the Court of Mr. Sherman's non-compliance as he had tested positive for the use of marijuana on November 13, 2003, and January 13 and January 28, 2004. At that time, this officer requested that Mr. Sherman be continued on supervision based on the Exception to Revocation under 18 U.S.C. § 3563(e) or 3583(d) which the Court agreed.

As the Court will recall, this officer last contacted the Court on October 17, 2005, informing the Court of Mr. Sherman's continued use of marijuana and oxycontin with his last use being on August 24, 2005. The Court requested to be notified of any future drug use and that action would be taken against Mr. Sherman.

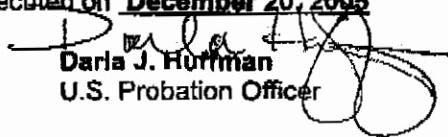
Mr. Sherman submitted to urinalysis on September 29, October 5 and 13 which were negative. He failed to report on October 20, but submitted to urinalysis on October 25 which was negative. On November 9, 23 and 30, he was positive for marijuana and oxycontin. His last urine specimen taken on December 8, 2005 was negative. This officer confronted Mr. Sherman about this, and he denied using. He did admit he was around people who were smoking marijuana. This officer discussed him entering a halfway house which he did not want to do. This officer also sent him Probation Form 49 requesting that a hearing be waived to have his conditions modified to enter a half way house, but there has been no response.

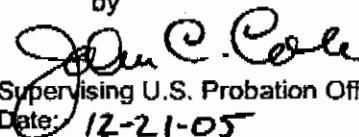
At this time, this officer is requesting that the Court issue a summons for Mr. Sherman to appear in Court on revocation proceedings.

I declare under penalty of perjury that
the foregoing is true and correct.

Approved,

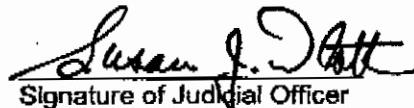
Executed on December 20, 2005


Daria J. Huffman
U.S. Probation Officer

by

John C. Cole
Supervising U.S. Probation Officer
Date: 12-21-05

THE COURT ORDERS:

- No Action
- The Court finds that there is probable cause to believe the defendant has violated the conditions of his/her probation/supervised release and orders the issuance of a Warrant for his/her arrest.
- The issuance of an Order to Appear and Show Cause
- The Court finds the defendant can benefit from continued substance abuse treatment and grants an exception to revocation. The supervision term of the defendant is continued under all original terms and conditions.
- Other


Signature of Judicial Officer

12/22/05
Date